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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,490

09/30/2003

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14279US02

5995

23446 7590 05/13/2008
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EXAMINER

RYAN, PATRICK A

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

05/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,490	Applicant(s) KARAOGUZ ET AL.	
	Examiner PATRICK A. RYAN	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Office Action is made in response to Amendment After Non-Final Rejection for Application Serial Number (10/675490) received February 14, 2008. Applicant has amended Claims 2-6, 8-22, and 24-31. As amended, Claims 1-31 are presented for examination.
2. Applicant has amended Paragraph [0002] of the Specification in order to provide United States Application Serial Numbers in replace of Attorney Docket Numbers. In view of this amendment, the objection to Paragraph [0002] of the disclosure has been withdrawn.
3. The Examiner acknowledges that the processors stated in Claim 31 are also stated in Paragraph [0091] of the Specification. In addition, the Examiner acknowledges Applicant intention of using the terms "media peripheral", "computer processor", and "storage system" as well known terms in the art of processor technology. The objection to the Specification for failing to provide proper antecedent basis for subject matter of Claim 31 has been withdrawn.
4. Applicant has amended Claim 11 in order to provide clarification to claimed language. In view of this amendment, the objection to Claim 11 has been withdrawn.

Response to Arguments

5. Applicant's arguments, see Pages 8-11, filed February 14, 2008, with respect to the rejection of Claims 1-10 under 35 USC 102(b) as being anticipated by Logan (US Patent Application Publication 2002/0120925 A1) have been fully considered and are

persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Novak (US Patent Application Publication 2002/0104099 A1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan (US Patent Application Publication 2002/0120925 A1) in view of Novak (US Patent Application Publication 2002/0104099 A1).

8. In reference to Claim 1, Logan teaches a method for producing and delivering media content (schematic of Figure 1, as introduced in Paragraph [0040]), the method comprising: establishing a personal television channel (personal program library, as described in Paragraph [0107] Lines 1-3), modifying media content to produce a media program (editing tools at 135, as described in Paragraph [0107]), but Logan does not teach associating the produced media program with the established personal television channel.

In a similar field of invention, Novak teaches a method of providing a user with a personal television channel ("synthetic channel" as described in Paragraph [0062], with further reference to "Joe's TV Channel" 804 of Fig. 8). In addition, Novak's method

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allows a user to upload personal media objects covering subjects such as a birthday or vacation, as disclosed in Paragraph [0064]. The user has the ability to customize the playing time duration, playing time frequency, and the date at which the media is played.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combined the method of producing and delivering media content, as taught by Logan, with the method of presenting media content in a personal television channel, as taught by Novak because the user is provided with greater control over the personalization of their media content. Novak's personal television channel provides a user with the ability to act like a "program director" by giving the user control over aspects such as the sequence, length, and schedule of the media presentation (as disclosed in Paragraph [0040]).

9. In reference to Claim 2, Logan and Novak teach the method comprising acquiring metadata associated with the media content ("...metadata [that] describes those segments..." as disclosed in Paragraph [0055] Lines 14-20 of Logan).

10. In reference to Claim 3, Logan and Novak teach the method wherein the acquired metadata is one or both of program metadata ("...metadata [that] describes, rates, or classifies that segment." as disclosed in Paragraph [0090] Lines 2-5 of Logan) and/or primitive metadata ("The metadata for individual segments..." as disclosed in Paragraph [0078] Lines 6-9 of Logan).

11. In reference to Claim 4, Logan and Novak teach the method comprising editing the acquired metadata associated with the media content (“Community Markup” (CM) system, as described in Paragraph [0102] of Logan).

12. In reference to Claim 5, Logan and Novak teach the method comprising updating the acquired metadata associated with media content (“automatically upgraded” library, as described in Paragraph [0103] Lines 3-7 of Logan) to reflect at least a portion of changes associated with the modifying (“Improved markups”, as described in Paragraph [0103] Lines 1-3 of Logan).

13. In reference to Claim 6, Logan and Novak teach the method comprising displaying at least a portion of the produced media program (“picture-in-picture” display, as described in Paragraph [0219] of Logan).

14. In reference to Claim 7, Logan and Novak teach the method wherein the modifying further comprises augmenting (“...associating user-created comments, notes, reviews, ratings...” as disclosed in Paragraph [0123]) and editing the media content (“Community Markup” (CM) system, as described in Paragraph [0102] of Logan).

15. In reference to Claim 8, Logan and Novak teach the method comprising determining whether a media program comprises the modified media content (“fingerprint” used to identify “parent” copy, as disclosed in Paragraph [0080] of Logan).

16. In reference to Claim 9, Logan and Novak teach the method comprising if the media program comprises the modified media content (“fingerprint” used to identify “parent” copy, as disclosed in Paragraph [0080] of Logan), processing the media

program based on metadata associated with the modified media content (“pattern-matching techniques” as disclosed in Paragraph [0083] of Logan).

17. In reference to Claim 10, Logan and Novak teach the method comprising synchronizing the modified media content for presentation in the personal television channel (“information derived from metadata may be displayed concurrently with the program” as disclosed in Paragraph [0280] of Logan).

18. Claims 11-20, 21-30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Novak, in view of Markman et al. (US Patent Application Publication 2003/0122966 A1) hereinafter Markman.

19. In reference to Claim 11, Logan and Novak teach a method comprising the steps of Claims 1-10, but do not teach storing this method on a machine-readable storage with at least one coded section for producing and delivering media content, that is executable by a machine to perform the steps of the method of Claims 1-10.

In a similar field of invention, Markman teaches a media center memory 210, which includes various software modules such as a PVR module 216 and a media player/editor 228 (shown in Figure 4, as described in Paragraph [0056] with further reference to Paragraph [0038]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combined the method of Logan and Novak with the media center memory of Markman, because any system requiring a coded section will inherently require a

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memory or storage system in order to create a permanent record of the steps needed to execute the method.

20. In reference to Claim 12, the media center memory of Markman in combination with the method of Logan and Novak teach all limitations in Claim 12, as previously cited above in reference to Claims 2 and 11.

21. In reference to Claim 13, the media center memory of Markman in combination with the method of Logan and Novak teach all limitations in Claim 13, as previously cited above in reference to Claims 3 and 11.

22. In reference to Claim 14, the media center memory of Markman in combination with the method of Logan and Novak teach all limitations in Claim 14, as previously cited above in reference to Claims 4 and 11.

23. In reference to Claim 15, the media center memory of Markman in combination with the method of Logan and Novak teach all limitations in Claim 15, as previously cited above in reference to Claims 5 and 11.

24. In reference to Claim 16, the media center memory of Markman in combination with the method of Logan and Novak teach all limitations in Claim 16, as previously cited above in reference to Claims 6 and 11.

25. In reference to Claim 17, the media center memory of Markman in combination with the method of Logan and Novak teach all limitations in Claim 17, as previously cited above in reference to Claims 7 and 11.

26. In reference to Claim 18, the media center memory of Markman in combination with the method of Logan and Novak teach all limitations in Claim 18, as previously cited above in reference to Claims 8 and 11.

27. In reference to Claim 19, the media center memory of Markman in combination with the method of Logan and Novak teach all limitations in Claim 19, as previously cited above in reference to Claims 9 and 11.

28. In reference to Claim 20, the media center memory of Markman in combination with the method of Logan and Novak teach all limitations in Claim 20, as previously cited above in reference to Claims 10 and 11.

29. In reference to Claim 21, Logan and Novak teach a system for producing and delivering media content (Figure 1, as introduced in Paragraph [0025]), but does not teach performing the steps of the method of Claims 1-10 as executed by a processor.

In a similar field of invention, Markman teaches a CPU 214 as part of media center extension (MCX) 304, which performs logical and arithmetic operations based on program code stored within the memory 210 (shown in Figure 4, as described in Paragraph [0056] with further reference to Paragraph [0038]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combined the system and method of Logan and Novak with the processor of Markman, because any system requiring the execution of multiple complex tasks such as establishing a television channel or modifying media content must inherently contain a processor.

30. In reference to Claim 22, the CPU as part of MCX as taught by Markman in combination with the method of Logan and Novak teach all limitations in Claim 22, as previously cited above in reference to Claims 2 and 21.

31. In reference to Claim 23, the CPU as part of MCX as taught by Markman in combination with the method of Logan and Novak teach all limitations in Claim 23, as previously cited above in reference to Claims 3 and 21.

32. In reference to Claim 24, the CPU as part of MCX as taught by Markman in combination with the method of Logan and Novak teach all limitations in Claim 24, as previously cited above in reference to Claims 4 and 21.

33. In reference to Claim 25, the CPU as part of MCX as taught by Markman in combination with the method of Logan and Novak teach all limitations in Claim 25, as previously cited above in reference to Claims 5 and 21.

34. In reference to Claim 26, the CPU as part of MCX as taught by Markman in combination with the method of Logan and Novak teach all limitations in Claim 26, as previously cited above in reference to Claims 6 and 21.

35. In reference to Claim 27, the CPU as part of MCX as taught by Markman in combination with the method of Logan and Novak teach all limitations in Claim 27, as previously cited above in reference to Claims 7 and 21.

36. In reference to Claim 28, the CPU as part of MCX as taught by Markman in combination with the method of Logan and Novak teach all limitations in Claim 28, as previously cited above in reference to Claims 8 and 21.

37. In reference to Claim 29, the CPU as part of MCX as taught by Markman in combination with the method of Logan and Novak teach all limitations in Claim 29, as previously cited above in reference to Claims 9 and 21.

38. In reference to Claim 30, the CPU as part of MCX as taught by Markman in combination with the method of Logan and Novak teach all limitations in Claim 30, as previously cited above in reference to Claims 10 and 21.

39. In reference to Claim 31, Logan and Novak teach a system for producing and delivering media content (Figure 1, as introduced in Paragraph [0025]), but does not teach a system that contain a computer processor, a media exchange software processor, a media peripheral processor, a storage processor, or a media exchange server processor.

In a similar field of invention, Markman teaches a media exchange software processor (CPU 214) as part of media center extension (MCX 304), which performs logical and arithmetic operations based on program code (shown in Figure 4, as described in Paragraph [0056] with further reference to Paragraph [0038]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combined the system and method of Logan and Novak with the processor of Markman, because any system requiring the execution of multiple complex tasks such as establishing a television channel or modifying media content must inherently contain a processor.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2623
Monday, May 12, 2008

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623